

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

EDWIN CARRASQUILLO DIAZ  
LORENZA ELFRIDA CORA SANTIAGO

DEBTORS

CASE NO 11-10699 MCF

CHAPTER 13

**DEBTORS' MOTION REQUESTING WAIVER OF FINANCIAL MANAGEMENT  
COURSE REQUIREMENT FRBP 1007 (b)(7)**

TO THE HONORABLE COURT:

NOW COME, **EDWIN CARRASQUILLO DIAZ, R.I.P., and LORENZA ELFRIDA CORA SANTIAGO**, the Debtors, through the undersigned attorney, and very respectfully state and pray as follows:

1. The present Chapter 13 case was filed on December 16, 2011, 11 U.S.C. §§1301 *et seq.*
2. On April 26, 2017, the *Joint Debtor* Lorenza Elfrida Cora Santiago filed an informative motion to inform that *Debtor* Edwin Carrasquillo Diaz, passed away, Docket No. 80.
3. The *Debtor* Edwin Carrasquillo Diaz had not taken the post-petition credit counseling which is a requirement under 11 U.S.C. Section 1328(g)(1) and Rule 1007 (b)(7) of the Federal Rules of Bankruptcy Procedure.
4. Pursuant to 11 U.S.C. Section 109(h)(4) a request is hereby made to this Honorable Court to relieve the *Debtor* Edwin Carrasquillo Diaz from such requirement for reason of "disability", based on the death of the debtor. Rule 1016 of the Federal Rules of Bankruptcy Procedure.

5. In the case of In re Henderson, (2008 Bankr Court WD Tex) 2008 Bankr LEXIS 1490, the Estate of Chapter 7 debtor who died before he could satisfy post-petition counseling requirement won a waiver of that requirement based on a determination that said circumstances came within scope of the language in 11 U.S.C. Section 109(h)(4), relieving debtor from such requirement by reason of disability. In re Henderson, (2008 Bankr Court WD Tex) 2008 Bankr LEXIS 1490.

6. In the present case, the Debtor's illness and subsequent death, resulted in a "disability" whereby the Debtor could not satisfy the post-petition Financial Management Course requirement pursuant to Rule 1007(b)(7).

7. That the *Joint Debtor* Lorenza Elfrida Cora Santiago did take the Financial Management Instructional Course, having filed a certificate to that effect on August 25, 2017, Docket No. 130.

8. Therefore, a request is hereby submitted for a determination by the Court that such circumstances warrant a waiver of such requirement by reason of disability, in the above captioned Chapter 13 case. 11 U.S.C. 109(h)(4).

**WHEREFORE**, the *Joint Debtor* respectfully requests this Honorable Court order the entry of an Order waiving the post-petition credit counseling requirement or the *Financial Management Course* as to the *Debtor* Edwin Carrasquillo Diaz, by reason of disability, pursuant to 11 U.S.C. §109(h)(4).

**NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST**

Within fourteen (14) days after service as evidenced by the certification, any party against whom this motion requesting a waiver of the post-petition credit counseling requirement has been served, must file an objection or other appropriate response thereto with the Clerk's Office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the motion will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.

I **CERTIFY** that on this same date a copy of this motion was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification to: the US Trustee's Office; to the Chapter 13 Trustee, Alejandro Oliveras Rivera, Esq.; and to all CM/ECF participants; I also certify that a copy of this motion was sent via regular US Mail to the *Joint Debtor* Lorenza Elfrida Cora Santiago, HC 65 Box 4365 Patillas PR 00723; and to all creditors and parties in interest (CM/ECF non-participants) appearing in the master address list, hereby attached.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 25<sup>th</sup> day of August, 2017.

/s/Roberto Figueroa Carrasquillo  
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Label Matrix for local noticing  
0104-3  
Case 11-10699-MCF13  
District of Puerto Rico  
Old San Juan  
Fri Aug 25 11:36:55 AST 2017

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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

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End of Label Matrix  
Mailable recipients 39  
Bypassed recipients 0  
Total 39